

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ERIC D. WALKER,

Plaintiff,

v.

ILLINOIS DEPARTMENT OF  
CORRECTIONS, PINCKNEYVILLE  
CORRECTIONAL CENTER, and DOCTOR  
GARDNER,

Defendants.

Case No. 08-cv-595-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Motion to Strike Plaintiff's Motion to Dismiss (Doc. 15) filed by Plaintiff Eric D. Walker. Walker submitted his Motion to Dismiss pursuant to Rule 41(a)(1)(A)(I), which allows dismissal of an action by a plaintiff without a court order at any time before service by an adverse party of an answer or of a motion for summary judgment, whichever first occurs. As Defendants had not filed an answer or motion for summary judgment in this case, the Court found that Plaintiff, by filing the Motion, had caused the case to be dismissed without prejudice. Judgment entered accordingly. As such, this case is closed. The Court advises Walker that, as dismissal was without prejudice, he is free to bring a new action alleging the same underlying facts as were alleged in this action. However, because this case has proceeded to judgment, the Court DENIES Walker's Motion to Strike (Doc. 15).

**IT IS SO ORDERED.**

**DATED: March 11, 2009**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**